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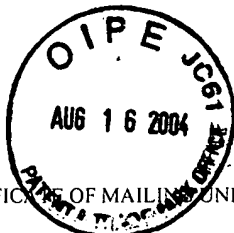
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/754,174	
	Filing Date	January 9, 2004	
	First Named Inventor	Lilip Lau	
	Art Unit	3762	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission		Attorney Docket Number	PARCR 66327

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP
Signature	<i>John Nagy</i>
Date	August 12, 2004

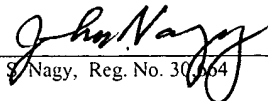
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on			
Typed or printed name	JOHN S. NAGY		
Signature	<i>John Nagy</i>	Date	August 12, 2004

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CERTIFICATION OF MAILING UNDER 37 C.F.R. § 1.8

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John S. Nagy, Reg. No. 30,004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/754,174
Applicant : Lilip Lau, William Hartigan, Anuja Patel
Filed : January 9, 2004
Art Unit : 3762
Examiner : Unassigned
Title : DEVICE FOR TREATING HEART FAILURE

Docket No.: : PARCR 66327
Customer No. : 24201

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The documents listed on the enclosed Form PTO/SB/08a have come to the attention of Applicants and are submitted to the Office under 37 C.F.R. § 1.97(b)(3) and §1.98(d). Copies of the articles cited on the Form PTO/SB/08a are enclosed. Also enclosed is a copy of two Information Disclosure Statements and Forms PTO-1449 as filed in the prior application, U.S. Serial No. 10/242,016 now U.S. Patent No. 6,723,041. The references listed were previously submitted or were cited in prior application Serial


No. 10/242,016 now U.S. Patent No. 6,723,041. It is believed that these references will be helpful during examination of the application.

This application is a continuation of U.S. Serial No. 10/242,016 filed September 10, 2002 now U.S. Patent No. 6,723,041. The foregoing application is incorporated herein by reference. Priority is claimed to this application.

Applicants believe that this Information Disclosure Statement has been mailed before the mailing date of a first Office action on the merits in accordance with 37 C.F.R. § 1.97(b)(3) and therefore, no fee is due. However, if a fee is in fact due the Commissioner is authorized to charge our Deposit Account No. 06-2425. A duplicate of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John S. Nagy
Registration No. 30,664

JSN:jeb
Enclosures

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AUG 16 2004

PTO/SB/08a (06-03)

Approved for use through 07/31/2003 OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 12

Complete if Known

Application Number	10/754,174
Filing Date	January 9, 2004
First Named Inventor	Lilip Lau
Art Unit	3762
Examiner Name	Unassigned
Attorney Docket Number	PARCR 66327

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		3,464,322		09/02/69	Pequignot	
		3,613,672		10/19/71	Schiff	
		3,966,401		06/29/76	Hancock et al.	
		3,988,782		11/02/76	Dardik et al.	
		4,011,947		03/15/77	Sawyer	
		4,048,990		09/20/77	Goetz	
		4,065,816		01/03/78	Sawyer	
		4,108,161		08/22/78	Samuels et al.	
		4,192,293		03/11/80	Asrican	
		4,211,325		07/08/80	Wright	
		4,261,342		04/14/81	Aranguren Duo	
		4,372,293		02/08/83	Vijil-Rosales	
		4,512,471		04/23/85	Kaster et al.	
		4,545,783		10/08/85	Vaughn	
		4,628,937		12/16/86	Hess et al.	
		4,630,597		12/23/86	Kantrowitz et al.	
		4,665,906		05/19/87	Jervis	
		4,697,703		10/06/87	Will	
		4,750,619		06/14/88	Cohen et al.	
		4,821,723		04/18/89	Baker, Jr. et al.	
		4,834,707		05/30/89	Evans	
		4,838,288		06/13/89	Wright et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ⁵ (if known)				
		FR	2 527 435		12/2/83	Serreus		
		GB	2 115 287 A		09/07/83	Sharma		
		JP	60-203250		10/14/85	Unknown		
		GB	2 209 678 A		05/24/89	Evans		
		DE	3831 540 A1		04/06/89	Evans		
		JP	1-145066		06/07/89	Unknown		
		JP	1-271829		10/30/89	Kogyo		
		EPO	0 370 931 A1		05/30/90	Perrotin		
		FR	2 645 739		10/19/90	Mentzer et al.		

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known			
Sheet		2		of		12	
Application Number		10/754,174					
Filing Date		January 9, 2004					
First Named Inventor		Lilip Lau					
Art Unit		3762					
Examiner Name		Unassigned					
Attorney Docket Number		PARCR 66327					

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		4,840,626		06/20/89	Linsky et al.	
		4,863,016		09/05/89	Fong et al.	
		4,878,890		11/07/89	Bilweis	
		4,957,477		09/18/90	Lundbäck	
		4,960,424		10/02/90	Grooters	
		4,973,300		11/27/90	Wright	
		5,031,762		07/16/91	Heacox	
		5,057,117		10/15/91	Atweh	
		5,067,957		11/26/91	Jervis	
		5,087,243		02/11/92	Avitall	
		5,098,369		03/24/92	Heilman et al.	
		5,106,386		04/21/92	Isner et al.	
		5,119,804		06/09/92	Anstadt	
		5,150,706		09/29/92	Cox et al.	
		5,169,381		12/08/92	Snyders	
		5,186,711		02/16/93	Epstein	
		5,190,546		03/02/93	Jervis	
		5,192,314		03/09/93	Daskalakis	
		5,197,978		03/30/93	Hess	
		5,256,132		10/26/93	Snyders	
		5,279,539		01/18/94	Bohan et al.	
		5,336,254		08/09/94	Brennen et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ⁵ (if known)				
		PCT	WO 91/19465		12/26/91	Frater		
		SU	1734767 A1		05/23/92	Popov et al.		
		EP	0 280 564 B1		06/16/93	Intermedics, Inc.		
		DE	38 31 540 C2		06/24/93	Evans		
		PCT	WO 95/06447		03/09/95	W.L. Gore & Associates		
		PCT	WO 96/04852		02/22/96	Northrup		
		DE	295 17 393 U1		03/14/96	Hohmann et al.		
		EP	0 583 012 B1		07/10/96	Heilman et al.		

Examiner Signature	Date Considered
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				Application Number	10/754,174
				Filing Date	January 9, 2004
				First Named Inventor	Lilip Lau
				Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327
Sheet	3	of	12		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,344,442		09/06/94	Deac	
		5,352,184		10/04/94	Goldberg et al.	
		5,356,432		10/18/94	Rutkow et al.	
		5,366,460		11/22/94	Eberbach	
		5,385,156		01/31/95	Oliva	
		5,385,229		01/31/95	Bittmann et al.	
		5,385,528		01/31/95	Wilk	
		5,405,360		04/11/95	Tovey	
		5,429,584		07/04/95	Chiu	
		5,460,962		10/24/95	Kemp	
		5,433,727		07/18/05	Sideris	
		5,456,711		07/18/95	Hudson	
		5,500,015		03/19/96	Deac	
		5,507,779		04/16/96	Altman	
		5,509,428		04/23/96	Dunlop	
		5,524,633		06/11/96	Heaven et al.	
		5,533,958		07/09/96	Wilk	
		5,534,024		07/09/96	Rogers et al.	
		5,545,210		08/13/96	Hess et al.	
		5,727,569		03/17/98	Benetti et al.	
		5,749,839		05/12/98	Kovacs	
		5,782,746		07/21/98	Wright	
		5,800,334		09/01/98	Wilk	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ⁵ (if known)				
		PCT	WO 97/20505		06/12/97	Loma Linda University		
		PCT	WO 97/24101		07/10/97	Melvin		
		EP	0 791 330 A3		08/27/97	Cardiothoracic Systems		
		PCT	WO 98/03213		01/29/98	Heartport, Inc.		
		PCT	WO 98/14136		04/09/98	Acorn Medical, Inc.		
		PCT	WO 98/26738		06/25/98	Hearten Medical, Inc.		
		PCT	WO 98/29041		07/09/98	Myocor, Inc.		
		PCT	WO 98/58598		12/30/98	Haindl		
		PCT	WO 99/11201		03/11/99	Endocore, Inc.		

Examiner Signature		Date Considered	
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Sheet	4	of	12		

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		Number	Kind Code ² (if known)					
		5,571,215		11/05/96	Sterman et al.			
		5,582,616		12/10/96	Bolduc et al.			
		5,584,803		12/17/96	Stevens et al.			
		5,593,424		01/14/97	Northrup III			
		5,593,441		01/14/97	Lichtenstein et al.			
		5,597,378		01/28/97	Jervis			
		5,607,477		03/04/97	Schindler et al.			
		5,647,372		07/15/97	Tovey et al.			
		5,647,380		07/15/97	Campbell et al.			
		5,695,525		12/09/97	Mulhauser et al.			
		5,814,097		09/29/98	Sterman et al.			
		5,824,028		10/20/98	Knisley			
		5,836,311		11/17/98	Borst et al.			
		5,848,962		12/15/98	Feindt et al.			
		5,849,005		12/15/98	Garrison et al.			
		5,853,422		12/29/98	Huebsch et al.			
		5,865,791		02/02/99	Wayne et al.			
		5,904,690		05/18/99	Middleman et al.			
		5,910,124		06/08/99	Rubin			
		5,927,284		07/27/99	Borst et al.			
		5,948,019		09/07/99	Shu et al.			
		5,976,069		11/02/99	Navia et al.			
		5,979,456		11/09/99	Magovern			
		5,984,857		11/16/99	Buck et al.			
		5,990,378		11/23/99	Ellis			
FOREIGN PATENT DOCUMENTS								
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		Office ³	Number ⁴	Kind ⁵ (if known)				
		EP	0 919 193 A1		06/02/99	Ethicon Endo-Surgery		
		PCT	WO 99/30647		06/24/99	Myocor, Inc.		
		PCT	WO 99/44534		09/10/99	Melvin		
		PCT	WO 99/44680		09/10/99	Abiomed, Inc.		
		PCT	WO 99/53977		10/28/99	SciMed Life Systems		
		PCT	WO 99/56655		11/11/99	Correstore, Inc.		
		PCT	WO 00/02500		01/20/00	Acorn Cardiovascular		
		PCT	WO 00/06026		02/10/00	Myocor, Inc.		
		PCT	WO 00/06027		02/10/00	Mortier et al.		
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		6,015,378		01/18/00	Borst et al.	
		6,024,096		02/15/00	Buckberg	
		6,045,497		04/04/00	Schweich, Jr. et al.	
		6,050,936		04/18/00	Schweich, Jr. et al.	
		6,059,715		05/09/00	Schweich, Jr. et al.	
		6,071,303		06/06/00	Laufer	
		6,079,414		06/27/00	Roth	
		6,085,754		07/11/00	Alferness et al.	
		6,095,968		08/01/00	Snyders	
		6,117,159		09/12/00	Huebsch et al.	
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Examiner Initials*	Cite No ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind ² (if known)				
		PCT	WO 00/06028		02/10/00	Mortier, et al.		
		PCT	WO 00/13722		03/16/00	SciMed Life Systems		
		PCT	WO 00/16700		03/30/00	Myocor, Inc.		
		PCT	WO 00/28912		05/25/00	Acorn Cardiovascular		
		PCT	WO 00/28918		05/25/00	Acorn Cardiovascular		
		PCT	WO 00/42919		07/25/00	Buckberg et al.		
		PCT	WO 00/45735		08/10/00	Acorn Cardiovascular		
		PCT	WO 00/48795		08/24/00	Richebourg		

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				Application Number	10/754,174
				Filing Date	January 9, 2004
				First Named Inventor	Lilip Lau
				Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327
Sheet	6	of	12		

U.S. PATENT DOCUMENTS						
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		Number	Kind Code ² (if known)			
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		Office ³	Number ⁴	Kind ⁵ (if known)				
		PCT	WO 00/62727		10/26/00	Hearten Medical		
		PCT	WO 00/74769		12/14/00	Johns Hopkins Univ.		
		PCT	WO 01/17437		03/15/01	Cardiothoracic Systems		
		PCT	WO 01/50981		07/19/01	Acorn Cardiovascular		
		PCT	WO 01/95830		12/20/01	Acorn Cardiovascular		
		PCT	WO 01/95831		12/20/01	Acorn Cardiovascular		
		PCT	WO 01/95832		12/20/01	Acorn Cardiovascular		
		PCT	WO 02/19917		03/14/02	Converge Medical		
		PCT	WO 03/026483		04/03/03	The Foundry, Inc.		

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				Application Number	10/754,174
Sheet 7 of 12				Filing Date	January 9, 2004
				First Named Inventor	Lilip Lau
				Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327

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		Number	Kind Code ² (if known)			
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		2002/007754		06/20/02	Schweich, Jr. et al.	
		2002/0082647		06/27/02	Alfermess et al.	

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		Office ³	Number ⁴	Kind ⁵ (if known)				
		PCT	WO 03/026485		04/03/03	The Foundry, Inc.		
		PCT	WO 03/026484		04/03/03	The Foundry, Inc.		

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Substitute for form 1449A/PTO <div style="text-align: center;"> INFORMATION DISCLOSURE STATEMENT BY APPLICANT </div> (use as many sheets as necessary)				Complete if Known	
				Application Number	10/754,174
				Filing Date	January 9, 2004
				First Named Inventor	Lilip Lau
				Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327
Sheet	8	of	12		

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/754,174
		Filing Date	January 9, 2004
		First Named Inventor	Lilip Lau
		Group Art Unit	3762
		Examiner Name	Unassigned
		Attorney Docket Number	PARCR 66327
Sheet	9	of	12

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹ .	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 11 of 12				Complete if Known		
				Application Number	10/754,174	
				Filing Date	January 9, 2004	
				First Named Inventor	Lilip Lau	
				Group Art Unit	3762	
				Examiner Name	Unassigned	
				Attorney Docket Number	PARCR 66327	
OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ²
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		Chaudhry, Pervaiz A., M.D., et al., <i>Passive Epicardial Containment Prevents Ventricular Remodeling in Heart Failure</i> , <u>Annals of Thoracic Surgeons</u> , Vol. 70, pp. 1275-1280, 2000				
		Acorn Cardiovascular, Inc., CSD Specifications Acorn Cardiac Support Device, 2000				
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		Chachques, Juan C., M.D., <i>Study of Muscular and Ventricular Function in Dynamic Cardiomyoplasty: A Ten-Year Follow-Up</i> , <u>The Journal of Heart and Lung Transplantation</u> , Vol. 16, No. 8, pp. 854-868, August 1997				
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		Thakur, Ranjan K., M.D., et al., <i>Latissimus Dorsi Dynamic Cardiomyoplasty: Role of Combined ICD Implantation</i> , <u>Journal of Cardiac Surgery</u> , Vol. 10, pp. 295-297, 1995				

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Substitute for form 1449B/PTO <div style="text-align: center;"> INFORMATION DISCLOSURE STATEMENT BY APPLICANT </div> (use as many sheets as necessary)				Complete if Known	
				Application Number	10/754,174
				Filing Date	September 5, 2002
				First Named Inventor	Lilip Lau
				Group Art Unit	3762
				Examiner Name	Unassigned
				Attorney Docket Number	PARCR 66327
Sheet	12	of	12		

[illegible]

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